

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOSEFINA BENITEZ, et al,

Plaintiffs,

-against-

VALENTINO U.S.A., INC.,

Defendant.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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DATE FILED: 9/2/2020

1:19-cv-11463 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

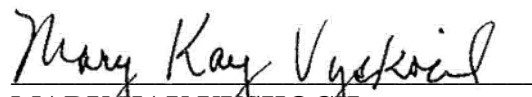
The Court received a letter from Defendant requesting leave to file a motion to dismiss the claims of Plaintiff Benitez due to her death [ECF #28]. Defendant states that the time for Plaintiffs to substitute Benitez's estate pursuant to Federal Rule of Civil Procedure 25(a) has lapsed. Plaintiffs oppose the request and argue that any delay is excusable [ECF #31]. The Court held a conference concerning arguments in the Parties' letters on September 2, 2020.

As stated on the record at the conference, the Court finds that Plaintiffs' counsel has demonstrated excusable neglect for their failure to substitute Plaintiff Benitez. Additionally, the Court finds that there is no prejudice to Defendant by the delay given that the case is in a very preliminary stage, with answer only filed last week.

As discussed at the September 2, 2020 conference, the Court construes Plaintiff's letter as a motion for an extension of time to substitute the estate for Plaintiff Benitez. That Motion is GRANTED. The time for Plaintiff to file a motion to substitute Plaintiff Benitez's estate under Rule 25(a) is extended to September 11, 2020.

**SO ORDERED.**

**Date: September 2, 2020**  
**New York, NY**

  
**MARY KAY VYSKOCIL**  
**United States District Judge**